

CH

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

LAMAR C. CHAPMAN III,

Plaintiff,

-vs-

THE VILLAGE OF HINSDALE,  
ILLINOIS, an Illinois Municipal  
Corporation; THE HINSDALE POLICE  
DEPARTMENT; and UNKNOWN  
OTHERS,

Defendants.

Case Number: 1:07 CV 07232

Honorable George W. Lindberg,  
Judge Presiding

Honorable Geraldine Soat Brown,  
Assigned U.S. Magistrate Judge

Civil Rights Litigation  
42 USC, Section 1983

FILED  
TG

NOTICE OF FILING

TO: Russell W. Hartigan, Esq.  
Patrick H. O'Connor, Esq.  
Michael R. Hartigan, Esq.  
HARTIGAN & CUISINER, PC  
222 North LaSalle Street, Suite 2150  
Chicago, Illinois 60601

Michael W. Dobbins, Clerk  
U.S. District Court, Northern District of  
Illinois, Eastern Division  
Dirksen McKinley Federal Building  
219 South Dearborn Street, 20<sup>th</sup> Floor  
Chicago, Illinois 60604

JAN 14 2008  
Jan 14 2008  
MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

PLEASE TAKE NOTICE that the undersigned filed with the Clerk of the Court the fully executed **WAIVER OF SERVICE OF SUMMONS** for Defendants the Village of Hinsdale and The Hinsdale Police Department, as served upon you herewith.

PROOF OF SERVICE

LAMAR C. CHAPMAN III, *Solo Fides*, Non-Attorney, Non-Lawyer, Plaintiff, *Pro Se*, being first duly sworn under oath and in accordance with the penalties of perjury states that he personally served this Notice and all relevant attachments on the above-named attorneys or their designated representatives on Monday, January 14, 2008, before the hour of 3:00 PM.

Respectfully submitted,

LAMAR C. CHAPMAN III, *Solo Fides*

Non-Attorney, Non-Lawyer  
Plaintiff, *Pro Se*  
LAMAR C. CHAPMAN III, *Solo Fides*  
Alexander, Cavanaugh & Block, LLC  
1314 Kensington Road POB 5232  
Oak Brook, IL 60523-5232  
Telephone (630) 881-1936  
Email: lasallecompanies@aol.com

## CIVIL COVER SHEET

The civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form is required for the use of the Clerk of Court for the purpose of indexing the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THIS FORM.)

## (a) PLAINTIFFS

LAMAR C. CHAPMAN III

(b) County of Residence of First Listed Plaintiff DU PAGE  
(EXCEPT IN U.S. PLAINTIFF CASES)

## DEFENDANTS

THE VILLAGE OF HINSDALE ILLINOIS

County of Residence of First Listed Defendant n/a  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAWS CONCERNING ESTATE, USE THE RESIDENCE OF THE  
LAWYER INVOLVED.

FILED

(c) Attorney's (Firm Name, Address, and Telephone Number)

Plaintiff, Pro Se  
See Verified Complaint

Attorneys (If Known)

Unknown

APR 19 2007

APR 19 2007

MAGISTRATE JUDGE BROWN

## II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES (For U.S. District Courts Only)

Chin 07CV7232  
Chin JUDGE LINDBERG  
Chin MAGISTRATE JUDGE BROWN

## IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORT	PROPERTY	BANKRUPTCY	OTHER
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Motor Aut. <input type="checkbox"/> 140 Real Estate <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 160 Maritime Act. <input type="checkbox"/> 170 Recovery of Outdated Student Loans (incl. vol.) <input type="checkbox"/> 180 Recovery of Overpayment of Vendor's Benefits <input type="checkbox"/> 190 Shareholder's Suits <input type="checkbox"/> 200 Other Contract <input type="checkbox"/> 210 Contract Product Liability <input type="checkbox"/> 220 Possible	<b>PERSONAL INJURY</b> <input type="checkbox"/> 230 Assault <input type="checkbox"/> 240 Assault Product Liability <input type="checkbox"/> 250 Assault, Libel & Slander <input type="checkbox"/> 260 Patient/Physician Liability <input type="checkbox"/> 270 Marine <input type="checkbox"/> 280 Marine Product Liability <input type="checkbox"/> 290 Motor Vehicle <input type="checkbox"/> 300 Motor Vehicle Product Liability <input type="checkbox"/> 310 Other Personal Inj.	<b>PERSONAL INJURY</b> <input type="checkbox"/> 320 Personal Injury—Libel, Malpractice <input type="checkbox"/> 330 Personal Injury—Product Liability <input type="checkbox"/> 340 Professional Services <input type="checkbox"/> 350 Personal Property <input type="checkbox"/> 360 Other Personal <input type="checkbox"/> 370 Other Personal <input type="checkbox"/> 380 Other Personal <input type="checkbox"/> 390 Other Personal <input type="checkbox"/> 400 Other Personal	<input type="checkbox"/> 410 Aggravated <input type="checkbox"/> 420 Other Food & Drug <input type="checkbox"/> 430 Drug Related Suits <input type="checkbox"/> 440 Other Food & Drug <input type="checkbox"/> 450 Other Food & Drug <input type="checkbox"/> 460 Other Food & Drug <input type="checkbox"/> 470 Other Food & Drug <input type="checkbox"/> 480 Other Food & Drug <input type="checkbox"/> 490 Other Food & Drug <input type="checkbox"/> 500 Other Food & Drug	<input type="checkbox"/> 510 Appeal 28 USC 130 <input type="checkbox"/> 520 Withdrawal <input type="checkbox"/> 530 Other <input type="checkbox"/> 540 Other <input type="checkbox"/> 550 Other <input type="checkbox"/> 560 Other <input type="checkbox"/> 570 Other <input type="checkbox"/> 580 Other <input type="checkbox"/> 590 Other <input type="checkbox"/> 600 Other

## V. ORIGIN (PLACE AN "X" IN ONE BOX ONLY)

- ☒ 1 Original Proceedings ☐ 2 Remanded from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Remanded or Reopened ☐ 5 Transferred from another District (Specify) ☐ 6 Reopened ☐ 7 Appeal to District Court from Appellate Court

## VI. CAUSE OF ACTION (Enter U.S. Civil Statute under which you are filing and state a brief statement of cause.)

Civil Rights Redress 42 U.S.C., Section 1

VII. PREVIOUS BANKRUPTCY MATTERS (For nature of suit 422 and 423, enter the case number and judge for any recorded bankruptcy matter previously adjudicated by a judge of this Court. Use a 12-digit case number if necessary.)

VIII. REQUESTED IN COMPLAINT ☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$25 Million ☐ CHECK YES only if included in complaint ☐ YES ☐ NO

IX. This case ☒ is not a re-filing of a previously dismissed action. ☐ is a re-filing of case number \_\_\_\_\_, previously dismissed by Judge \_\_\_\_\_

DATE  
April 9, 2007

SIGNATURE OF ATTORNEY OF RECORD

Lamar C. Chapman III, Pro Se

AO 399 (Rev. 10/95)

07-30-4778

# **WAIVER OF SERVICE OF SUMMONS**

TO: Lamar C. Chapman, III (pro se)  
 (NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

FILED  
 JAN 14 2008  
 MICHAEL W. DOBBINS  
 CLERK, U.S. DISTRICT COURT

I, Village of Hinsdale  
 (DEFENDANT)

acknowledge receipt of your request that I waive service of summons in the action of Lamar C. Chapman III v. Village of Hinsdale, which is case number 07 CV 2175 in the  
 (CAPTION OF ACTION) (DOCKET NUMBER)

the United States District Court for the Northern District of Illinois.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after 5/17/07 (DATE REQUEST WAS SENT) or within 90 days after that date if the request was sent outside the United States.

May 18, 2007  
 (DATE)

Chris Bruton  
 (SIGNATURE)  
 Printed/Typed Name: Chris Bruton  
 As Village Clerk of Village of Hinsdale  
 (TITLE) (CORPORATE DEFENDANT)

## **Duty to Avoid Unnecessary Costs of Service of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

AO 399 (Rev. 10/95)

07-30-4778

**WAIVER OF SERVICE OF SUMMONS****TO: Lamar C. Chapman, III (pro se)**

(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

I, Village of Hinsdale Police Department

(DEFENDANT)

acknowledge receipt of your request that I waive service of summons in the action of Lamar C. Chapman III v. Village of Hinsdale, which is case number 07 CV 2175 in the  
 (CAPTION OF ACTION) (DOCKET NUMBER)

the United States District Court for the Northern District of Illinois.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after 5/17/07 or within 90 days after that date if the request was sent outside the United States.  
 (DATE REQUEST WAS SENT)

5/20/07

(DATE)

Bradley Bloom

(SIGNATURE)

Printed/Typed Name: Bradley Bloom

As Chief of Village of Hinsdale Police Dept.  
 (TITLE) (CORPORATE DEFENDANT)

**Duty to Avoid Unnecessary Costs of Service of Summons**

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.